

FILED

2018 NOV -1 AM 11:04

CLERK US DISTRICT COURT  
DISTRICT OF ARIZONA

ELIZABETH A. STRANGE  
First Assistant United States Attorney  
District of Arizona  
BEVERLY K. ANDERSON  
Assistant U.S. Attorney  
Arizona State Bar No. 010547  
United States Courthouse  
405 W. Congress Street, Suite 4800  
Tucson, Arizona 85701  
Telephone: 520-620-7300  
Email: bev.anderson@usdoj.gov  
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,  
Plaintiff,

vs.

Joshua Joel Pratchard,  
Defendant.

SUPERSEDING

INDICTMENT

CR 18-01256-TUC-CKJ (JR)

Violations:

18 U.S.C. §§ 922(g)(1) and 924(a)(2)  
(Possession of a Firearm  
by Convicted Felon)  
Counts 1, 3, 5, 6

18 U.S.C. §§ 922(a)(5) and 924(a)(1)(D)  
(Transferring a Firearm to an Out-of-State  
Resident)  
Counts 2, 4

26 U.S.C. §§ 5841, 5861(d) and 5871  
Possession of Unregistered Firearm  
Counts 7, 9, 11, 12,

26 U.S.C. §§ 5861(e), 5812, 5871  
Transfer of Firearm in Violation of NFA  
Counts 8, 10,

18 U.S.C. §§ 931(a) and 924(7)  
Possession of Body Armor by Violent  
Felons  
Count 13

18 U.S.C. § 924(d); 28 U.S.C. § 2461(c)  
(Forfeiture Allegation)

1 **THE GRAND JURY CHARGES:**

2 **COUNT 1**

3 On or about April 14, 2018, at or near Tucson, in the District of Arizona, the  
4 defendant, JOSHUA JOEL PRATCHARD, having been previously convicted of crimes  
5 punishable by imprisonment for a term exceeding one year, did knowingly possess in and  
6 affecting interstate and foreign commerce, a firearm; to wit: a 9mm Luger caliber firearm,  
7 bearing markings "SD Tactical, Pacific Beach, CA, AR-9", SD071082, 9mm,".

8 In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

9 **COUNT 2**

10 On or about April 14, 2018, at or near Tucson, in the District of Arizona, the  
11 defendant, JOSHUA JOEL PRATCHARD, not being a licensed importer, manufacturer,  
12 dealer, and collector of firearms, within the meaning of Chapter 44, Title 18 United States  
13 Code, did willfully sell a firearm, to wit: a 9mm Luger caliber firearm, bearing markings  
14 "SD Tactical, Pacific Beach, CA, AR-9", SD071082, 9mm" to another person, said person  
15 not being a licensed importer, manufacturer, dealer, and collector of firearms, within the  
16 meaning of Chapter 44, Title 18, United States Code, and knowing and with reasonable  
17 cause to believe that said person was not then residing in the State in which the defendant  
18 was residing at the time of the aforesaid sale of the firearm.

19 In violation of Title 18, United States Code, Sections 922(a)(5) and 924(a)(1)(D).

20 **COUNT 3**

21 On or about May 30, 2018, at or near Tucson, in the District of Arizona, the  
22 defendant, JOSHUA JOEL PRATCHARD, having been previously convicted of crimes  
23 punishable by imprisonment for a term exceeding one year, did knowingly possess in and  
24 affecting interstate and foreign commerce, a firearm and ammunition, that is, one AR 15-  
25 type rifle, .300 Blackout caliber rifle with no serial number, a device for silencing,  
26 muffling, or diminishing the report of a portable firearm, that is a silencer, as defined in 18  
27 U.S.C. Section 921(a)(24) and approximately five-hundred (500) rounds of 7.62 x 35mm  
28 ammunition.

1 In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

2 **COUNT 4**

3 On or about May 30, 2018, at or near Tucson, in the District of Arizona, the  
4 defendant, JOSHUA JOEL PRATCHARD, not being a licensed importer, manufacturer,  
5 dealer, and collector of firearms, within the meaning of Chapter 44, Title 18 United States  
6 Code, did willfully sell a firearm, to wit: one AR 15-type rifle, .300 Blackout caliber rifle  
7 with no serial number, to another person, said person not being a licensed importer,  
8 manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18,  
9 United States Code, and knowing and with reasonable cause to believe that said person  
10 was not then residing in the State in which the defendant was residing at the time of the  
11 aforesaid sale of the firearm.

12 In violation of Title 18, United States Code, Section 922(a)(5) and 924(a)(1)(D).

13 **COUNT 5**

14 On or about June 1, 2018, at or near Tucson, in the District of Arizona, the  
15 defendant, JOSHUA JOEL PRATCHARD, having been previously convicted of crimes  
16 punishable by imprisonment for a term exceeding one year, did knowingly possess, in and  
17 affecting interstate and foreign commerce, firearms and ammunition, to wit: one .45  
18 caliber pistol, with markings "SD012916, SD Tactical Pacific Beach, CA, 1911 A1"; one  
19 .300 Blackout caliber AR-15 type rifle, with additional markings "300 Blackout"; one AR-  
20 15 type rifle, .223 caliber; a device for silencing, muffling, or diminishing the report of a  
21 portable firearm, that is a silencer, as defined in 18 U.S.C. Section 921(a)(24) ,  
22 approximately fifty-one (51) rounds of .45 caliber ammunition, approximately one-  
23 hundred nineteen (119) rounds of 7.62 x 35mm ammunition, and approximately one-  
24 hundred forty-nine (149) rounds of .223 caliber ammunition.

25 In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).  
26  
27  
28

**COUNT 6**

On or about May 30, 2018, to June 1, 2018, at or near Tucson, in the District of Arizona, the defendant, JOSHUA JOEL PRATCHARD, having been previously convicted of crimes punishable by imprisonment for a term exceeding one year, did knowingly possess, in and affecting interstate or foreign commerce, a firearm and ammunition, to wit: one .45 caliber handgun, with markings "SD990809, SD Tactical Pacific Beach, CA 1911 Ultra 45"; approximately two-hundred sixty-one (261) rounds of .223/5.56 mm ammunition, approximately seven-hundred seventy-one (770) rounds of 7.62 x 35 mm ammunition, and approximately one-hundred fourteen (114) rounds of .45 caliber ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

**COUNT 7**

On or about May 30, 2018, at or near Tucson, in the District of Arizona, the defendant, JOSHUA JOEL PRATCHARD, knowingly possessed a firearm, to wit: one .300 Blackout caliber AR-type rifle, no serial number; having a barrel less than 16 inches, that is, approximately 10-7/16 inches, a "firearm", as defined by Title 26, United States Code, Section 5845(a)(3), not registered to JOSHUA JOEL PRATCHARD in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.

**COUNT 8**

On or about May 30, 2018, at or near Tucson, in the District of Arizona, the defendant, JOSHUA JOEL PRATCHARD, knowingly and unlawfully transferred a firearm, to wit: one .300 Blackout caliber AR-type rifle, no serial number, having a barrel less than 16 inches, that is, approximately 10-7/16 inches, a "firearm," as defined by Title 26, United States Code, Section 5845(a)(3), in violation of Title 26, United States Code, Sections 5812, in that JOSHUA JOEL PRATCHARD transferred said firearm to another individual without completing the application and obtaining the approval as required by Title 26, United States Code, Section 5812.

1 In violation of Title 26, United States Code, Section 5861(e), 5812 and 5871.

2 **COUNT 9**

3 On or about May 30, 2018, at or near Tucson, in the District of Arizona, the  
4 defendant, JOSHUA JOEL PRATCHARD, knowingly possessed a firearm to wit: a device  
5 for silencing, muffling, or diminishing the report of a portable firearm, that is a silencer, as  
6 defined in 18 U.S.C. Section 921(a)(24) and 26 U.S.C. 5845(a)(7), not registered to  
7 JOSHUA JOEL PRATCHARD in the National Firearms Registration and Transfer Record.

8 In violation of Title 26, United States Code, Sections 5841, 5845, 5861(d) and 5871.

9 **COUNT 10**

10 On or about May 30, 2018, at or near Tucson, in the District of Arizona, the  
11 defendant, JOSHUA JOEL PRATCHARD, knowingly and unlawfully transferred a  
12 firearm, to wit: a device for silencing, muffling, or diminishing the report of a portable  
13 firearm, that is a silencer, as defined in 18 U.S.C. Section 921(a)(24) and 26 U.S.C.  
14 5845(a)(7), in violation of Title 26, United States Code, Section 5812, in that JOSHUA  
15 JOEL PRATCHARD transferred said firearm to another individual without completing the  
16 application and obtaining the approval as required by Title 26, United States Code, Section  
17 5812.

18 In violation of Title 26, United States Code, Section 5861(e), 5812 and 5871.

19 **COUNT 11**

20 On or about June 1, 2018, at or near Tucson, in the District of Arizona, the  
21 defendant, JOSHUA JOEL PRATCHARD, possessed a firearm, to wit: one .300 Blackout  
22 caliber AR-15 type, rifle with additional markings "300 Blackout"; having a barrel less  
23 than 16 inches, that is, approximately 10-5/8 inches, a "firearm", as defined by Title 26,  
24 United States Code, Section 5845(a)(3), not registered to JOSHUA JOEL PRATCHARD  
25 in the National Firearms Registration and Transfer Record.

26 In violation of Title 26, United States Code, Sections 5841, 5861(d) and 5871.  
27  
28

**COUNT 12**

On or about June 1, 2018, at or near Tucson, in the District of Arizona, the defendant, JOSHUA JOEL PRATCHARD, knowingly possessed a firearm, to wit: a device for silencing, muffling, or diminishing the report of a portable firearm, that is a silencer, as defined in 18 U.S.C. Section 921(a)(24) and 26 U.S.C. 5845(a)(7), not registered to JOSHUA JOEL PRATCHARD in the National Firearms Registration and Transfer Record.

In violation of Title 26, United States Code, Sections 5841, 5845, 5861(d) and 5871.

**COUNT 13**

On or about June 1, 2018, at or near Tucson, in the District of Arizona, the defendant, JOSHUA JOEL PRATCHARD, having been previously convicted of a felony crime of violence, as defined in 18 U.S.C. § 16, did knowingly possess in and affecting interstate commerce, body armor, to wit: one Striker Industries Tactical Gear, Model 182202, Level III, Size 10x12, Serial numbers 114369 and 114347, date of manufacture 08/16/17.

In violation of 18 U.S.C. Sections 931(a) and 924(a)(7) .

**FORFEITURE ALLEGATION**

Upon conviction of one or more of the offenses alleged in Counts 1 through 12 of this Indictment, defendant, Joshua Joel Pratchard, shall forfeit to the United States pursuant to:

a) Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- 9mm Luger caliber firearm, bearing markings “SD Tactical, Pacific Beach, CA, AR-9”, SD071082, 9mm”;
- 300 Blackout caliber AR-type rifle, no serial number; having a barrel less than 16 inches, that is, approximately 10-7/16 inches;
- Two (2) silencers;

- .45 caliber handgun, with markings “SD990809, SD Tactical Pacific Beach, CA 1911 Ultra 45”;
- two-hundred sixty-one (261) rounds of .223/5.56 mm ammunition;
- seven-hundred seventy (770) rounds of 7.62 x 35 mm ammunition;
- one-hundred fourteen (114) rounds of .45 caliber ammunition;
- .45 caliber pistol, with markings “SD012916, SD Tactical Pacific Beach, CA, 1911 A1”;
- .300 Blackout caliber AR-15 type, rifle with additional markings “300 Blackout”; having a barrel less than 16 inches, that is, approximately 10-5/8 inches;
- AR-15 type rifle, .223 caliber;
- fifty-one (51) rounds of .45 caliber ammunition;
- one-hundred nineteen (119) rounds of 7.62x 35mm ammunition; and
- one-hundred forty-nine (149) rounds of .223 caliber ammunition.

b) Title 26, United States Code, Section 5872 and Title 28, United States Code, Section 2461(c), any firearms involved in any violation of the offense(s), including, but not limited to:

- .300 Blackout caliber AR-type rifle, no serial number; having a barrel less than 16 inches, that is, approximately 10-7/16 inches;
- Two (2) silencers;
- .300 Blackout caliber AR-15 type, rifle with additional markings “300 Blackout”; having a barrel less than 16 inches, that is, approximately 10-5/8 inches;

If any of the forfeitable property, as a result of any act or omission of the defendant: (1) cannot be located upon the exercise of due diligence; (2) has been transferred or sold to, or deposited with, a third party; (3) has been placed beyond the jurisdiction of the court; (4) has been substantially diminished in value; or (5) has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States,



1 pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28,  
2 United States Code, Section 2461(c), to seek forfeiture of any other property of said  
3 defendant up to the value of the above forfeitable property, including but not limited to all  
4 property, both real and personal, owned by the defendant.

5 All pursuant to Title 18, United States Code, Section 924(d), Title 26, United States  
6 Code, Section 5872, Title 28, United States Code, Section 2461(c), and Rule 32.2.(a),  
7 Federal Rules of Criminal Procedure.

8  
9  
10  
11  
12 A TRUE BILL

13 /S/

14 \_\_\_\_\_  
15 Presiding Juror

16 ELIZABETH A. STRANGE  
17 First Assistant United States Attorney  
18 District of Arizona

**REDACTED FOR  
PUBLIC DISCLOSURE**

19 /S/

20 Assistant U.S. Attorney

21 Dated: November 1, 2018  
22  
23  
24  
25  
26  
27  
28